

RECEIVED
CENTRAL FAX CENTER

OCT 05 2005

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: *MARKUS, Isidoro Natalio*Application No.: *10/816,716*Art Unit: *3636*Filed: *04/05/2004*Examiner: *WHITE, Rodney*Title: *Reclinable chair mechanism*

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (Identify type of reply):

- ☐ has been filed previously on _____
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Page 1 of 3

BEST AVAILABLE COPY

PTO/SB/84 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Markvs
Signature

October 5 - 2005
Date

MARKVS, Isidoro Natalia
Typed or printed name

3117 Fayette Rd.
Address

Registration Number, if applicable

011-54-11-4896-0358

Kensington MD 20895
Address

Telephone Number
in Argentina

- Enclosures: ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Oct 5 - 2005
Date

Markvs
Signature

MARKVS, Isidoro Natalia
Typed or printed name of person signing certificate

(Page 2 of 2)

Page 2 of 3

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents

Sir:

In the above application, applicant respectfully petition that the period for response to the outstanding Office Action be renewed, since the entire delay in filing the required reply was unintentional. For family reasons, in past May 17th, I temporarily moved to Buenos Aires, Argentina. Prior to my move I sent an address change request to the USPTO, that was electronically acknowledged in May 11, 2004. On regularly checking the status of my application on the internet, I suddenly found out that my application was 'mail abandoned for failure to respond to Office Action'. At no point was electronically displayed that an Office Action took place, other than the ONLY one of Feb. 22, to which I responded in May. You could imagine my surprise and anguish, since neither a letter of the USPTO ever arrived to my US mailing address. When I requested help from the EBC department, I got an Email from Karen (copied at the bottom of this page), showing that the Patent Office mail was sent to the wrong street address. The correct address was 3117 Fayette Road, not 31170 Fayette Road. Karen also said that the non-final rejection was mailed to my new address on Feb 22, 2005, when I only asked for the address change three months latter. There seems to be some confusion with addressees and timing, concerning my patent application. For the above reasons, I respectfully request that said 'Office Action' mail be sent again, and that the regular period of time given to answer said action (if one ever existed), be granted. Thank you. Sincerely,


Markus, Isidoro N.

000000000000000000

— Original Message —

From: "EBC" <EBC@USPTO.GOV>
To: <imarkus@fibertel.com.ar>
Sent: Tuesday, October 04, 2005 1:18 PM
Subject: Re: Need advise [X200510044939]

- > Your address is set at:
- > ISIDORO NATALIO MARKUS
- > 31170 FAYETTE ROAD
- > KENSINGTON MD 20895
- >
- > This is where the non-final rejection was mailed on Feb 22, 2005.
- >
- > You can contact Petitions, Office of (Patent) 571-272-3282. (There is no email contact).
- >
- > For your information, your examiner Rodney White's phone number is (571)272-6863 and email is rodney.white@uspto.gov. He cannot help you with this issue though.
- >
- > Thank you,
- >
- > Karen
- > EBC

Page 3 of 3